

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

TONY HILL, #184013,

Petitioner,

Civil No: 2:06-CV-15687
Honorable Robert H. Cleland
Magistrate Judge Mona K. Majzoub

EATON COUNTY and MICHIGAN
DEPARTMENT OF CORRECTIONS,

Respondents.

FILED 1/11/07
U.S. DISTRICT COURT - MICHIGAN

JAN 11 2007

CLERK'S OFFICE
U.S. DISTRICT COURT - MICHIGAN

**ORDER TRANSFERRING CASE TO THE UNITED STATES
DISTRICT COURT FOR THE WESTERN DISTRICT OF MICHIGAN**

Before the Court is Petitioner's, *pro se* request for Writ of Habeas Corpus pursuant to 28 U.S.C. §1651. Petitioner, a state prisoner confined at Kinross Correctional Facility, in Kincheloe, Michigan (Chippewa County), is challenging his Eaton County criminal conviction.

A habeas petition submitted by a person in state custody may be filed in the district where the person is in custody or in the district where the person was convicted and sentenced. 28 U.S.C. § 2241(d). The district in which the petitioner files his habeas petition may transfer the petition to another district court for hearing and determination. *Id.* In this case Petitioner is incarcerated in Chippewa County, and he was convicted in Eaton County. Both counties lie in the Western District of Michigan. See 28 U.S.C. § 102(b).

It should also be noted that the habeas petition filed in this matter is significantly deficient in the following respects: (1) Petitioner's pleading is extremely convoluted; (2) there is no statement of facts regarding the circumstances surrounding his conviction; (3) it is difficult to determine the crime(s) for which he was convicted; (4) the lower court case number has a year of 1986 and there

is no indication of exactly when he was convicted. Therefore, it appears that there is a statute of limitations problem; (5) there is no indication of when or if Petitioner appealed his state court conviction; (6) the nature of Petitioner's claims is difficult to determine; (7) it is unclear why Petitioner is bringing this action under 28 U.S.C. §1651; and (8) Petitioner has failed to name the proper parties as respondents in this matter.

Accordingly, the Clerk of Court **IS ORDERED** to transfer this case to the Western District of Michigan pursuant to 28 U.S.C. § 1406(a).

DATED: _____

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF MAILING

I certify that a copy of this order was served upon petitioner on the date indicated below by first class mail.

Dated: 1/11/07

S/L ESTRADA
Deputy Clerk